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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,622	01/24/2007	Pieter Bestebreurtje	VER-207XX	4329

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
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BOSTON, MA 02109

EXAMINER
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SAINT SURIN, JACQUES M

ART UNIT	PAPER NUMBER
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2856

MAIL DATE	DELIVERY MODE
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09/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,622	<b>Applicant(s)</b> BESTEBREURTJE, PIETER	
	<b>Examiner</b> J M. SAINT SURIN	<b>Art Unit</b> 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006 and 24 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-15 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 16-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/06, 01/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 9-12 and 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claims 9 and 21 recite the limitations of “evidently intended and designed for carrying out a method are unclear and indefinite because any apparatus can be intended and designed for carrying a method. In addition, the claim fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. Thus, the claims have not been further treated on the merits.

Claims 10-12 and 22-24 are also rejected as being dependent from rejected base claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Martens (WO 10/576622).

Regarding claims 1-5 and 13-15, Martens discloses a method for ultrasonic testing (col. 3, lines 6-10) of an object (20), wherein at least one test moment (page 11, lines 14-17 and 22-25) an ultrasonic test signal (35<sub>1</sub>, 35<sub>2</sub>) is transmitted into the object

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(20), while after a particular verification period (.DELTA.t.sub.1, .DELTA.t.sub.2) measured from said test moment, an ultrasonic verification signal (35<sub>1</sub>, 35<sub>2</sub>) is transmitted into the object (20), a possible echo of said test signal (page 11, lines 23-29) being received from said object at a particular first measuring moment (52, 54), the possible echo being accepted as being the echo of said test signal only when an echo of the verification signal is received (page 11, line 29 to page 12, line 1) at a particular second measuring moment (56, 58).

Regarding claim 2, it is similar in scope with claim 1. Therefore, it is rejected for the reasons set forth for that claim.

Regarding claims 3 and 13, Martens discloses a method according to claim 1, wherein the possible echo of said test signal is accepted as being the echo (E1, E2) of that test signal (S1, S2) only when the difference between the first and the second measuring moment is substantially equal to said verification period (page 11, lines 22-32)

Regarding claims 4 and 14, Martens discloses a method according to claim 1, wherein said test signal (S1, S2) and each associated verification signal (S1', S2') are equal to each other and have in particular the same signal duration, the same amplitude and the same frequency spectrum (page 11, lines 22-32).

Regarding claims 5 and 15, Martens discloses a method according to claim 1, wherein said test signal (S1, S2) is transmitted into the object at a first position (page 11, lines 25-27), while said verification signal (S1', S2') is transmitted into the object at a second position adjacent said first position (page 11, lines 29-32).

***Allowable Subject Matter***

5. Claims 6-8 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J M. SAINT SURIN whose telephone number is (571)272-2206. The examiner can normally be reached on Mondays to Fridays between 9:30 A.M and 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron L. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacques M SAINT SURIN/  
Examiner, Art Unit 2856